

Issue: Consolidation of grievances for a single hearing; Ruling Date: February 19, 2014; Ruling No. 2014-3816, 2014-3817; Agency: Virginia Department of Transportation; Outcome: Consolidation Granted.



COMMONWEALTH of VIRGINIA
Department of Human Resource Management
Office of Employment Dispute Resolution

CONSOLIDATION RULING

In the matter of the Virginia Department of Transportation
Ruling Numbers 2014-3816, 2014-3817
February 19, 2014

This ruling addresses the consolidation of the grievant's two grievances filed with the Virginia Department of Transportation (the agency). For the reasons discussed below, the Office of Employment Dispute Resolution (EDR) finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue are 1) a February 3, 2014 grievance regarding a Group II Written Notice issued to the grievant on or about January 14, 2014, and 2) a February 3, 2014, dismissal grievance challenging a Group III Written Notice accompanying the grievant's termination from employment. Both parties agree that consolidation is appropriate in this instance, and both have agreed to waive the management resolution steps with respect to the grievance of the Group II Written Notice and proceed to a single hearing on both matters.

DISCUSSION

Approval by EDR in the form of a compliance ruling is required before two or more grievances may be consolidated in a single hearing. Moreover, EDR may consolidate grievances for hearing without a request from either party.¹ EDR strongly favors consolidation and will consolidate grievances when they involve the same parties, legal issues, policies, and/or factual background, unless there is a persuasive reason to process the grievances individually.²

EDR finds that consolidation of both February 3, 2014 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances both relate to disciplinary actions issued to the grievant for similar occurrences that appear to have arisen from the same series of events. Further, we find that consolidation is not impracticable in this instance. Therefore, both of the grievant's February 3, 2014 grievances are consolidated for a single hearing. A hearing officer will be appointed in a forthcoming letter.

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

EDR's rulings on compliance are final and nonappealable.³



Christopher M. Grab
Director
Office of Employment Dispute Resolution

³ See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).